

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: Daily Harvest, Inc.      : 22cv5987 (DLC); 23cv1607 (DLC);
Products Liability Litigation  : 23cv1617 (DLC); 23cv1620 (DLC);
                                : 23cv1627 (DLC); 23cv1633 (DLC);
                                : 23cv1640 (DLC); 23cv1643 (DLC);
----- X 23cv1648 (DLC); 23cv1649 (DLC);
                                23cv1651 (DLC); 23cv1653 (DLC);
                                23cv1658 (DLC); 23cv1659 (DLC);
                                23cv1660 (DLC); 23cv1662 (DLC);
                                23cv1663 (DLC); 23cv1664 (DLC);
                                23cv1666 (DLC); 23cv1668 (DLC);
                                23cv1672 (DLC); 23cv1673 (DLC);
                                23cv1681 (DLC); 23cv1683 (DLC);
                                23cv1686 (DLC); 23cv1688 (DLC);
                                23cv1692 (DLC); 23cv1694 (DLC);
                                23cv1703 (DLC); 23cv1705 (DLC);
                                23cv1709 (DLC); 23cv1712 (DLC);
                                23cv1713 (DLC); 23cv1718 (DLC);
                                23cv1721 (DLC); 23cv1725 (DLC);
                                23cv1727 (DLC); 23cv1732 (DLC);
                                23cv1734 (DLC); 23cv1736 (DLC);
                                23cv1737 (DLC); 23cv1740 (DLC);
                                23cv1741 (DLC); 23cv1742 (DLC);
                                23cv1743 (DLC); 23cv1744 (DLC);
                                23cv1745 (DLC); 23cv1748 (DLC);
                                23cv1750 (DLC); 23cv2038 (DLC)

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ORDER

DENISE COTE, District Judge:

A conference in the lead case in this litigation, Albright v. Daily Harvest, 22cv5987, was held on January 27, 2023. Prior to the conference, the plaintiff in that case had already served initial interrogatories and document demands on the defendants. At the conference, the Court ordered the defendants in the case to serve their initial interrogatories and document demands on each other by February 10. After the conference, the Court also

ordered, as reflected in the scheduling Order of January 30, that the defendants complete their productions of documents to Albright and to each other by April 28. Defendants Smirks, Ltd. ("Smirks") and Second Bite Foods, Inc. ("Second Bite") served their discovery demands on each other by February 10. Defendant Daily Harvest, Inc. ("Daily Harvest") did not.


Through a letter of March 20, Daily Harvest requested clarification on its deadline to serve discovery requests and sought permission to serve its requests by March 27 if the deadline had passed. Through letters of March 21, Smirks and Second Bite opposed Daily Harvest's request to serve discovery. Daily Harvest having failed to comply with the February 10 service deadline, it is hereby

ORDERED that, by March 27, Daily Harvest may serve, on each of its co-defendants, no more than five (5) interrogatories and five (5) document demands.

IT IS FURTHER ORDERED that the parties shall meet and confer and Smirks and Second Bite shall, by April 7, advise the Court in a letter no longer than two (2) pages whether they have

any objections to Daily Harvest's discovery demands.

Dated: New York, New York
March 22, 2023



DENISE COTE
United States District Judge